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ABSTRACT

Faculty, administration, and the board of trustees are dubious champions of student rights and freedoms. Without reliable protectors within the academic community, students have the options of securing their rights and freedoms by (1) the exercise of raw power, (2) finding a means to participate in the decision making process, or (3) seeking judicial protection through a student bill of rights and freedoms. Since confrontational politics has already been talked to death and since guarantees of students' rights and freedoms by the lawmakers seem remote in today's political climate, primary focus has been on the second option. Proposed models of student involvement in decision making include (1) a bicameral structure with a faculty senate as the upper house and a student assembly as the lower house, (2) an all college senate with representatives from faculty and student senates elected by a formula that would insure equity between the two groups, (3) a half time shadow administration of students to be regarded as junior apprentices by the administrative officers, and (4) participation on a board of trustees based on representation proportional to the contribution and involvement of groups that make up the basic communities of the college. (AF)

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Student Rights and Freedoms: Toward Implementation Models

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It may be duplicity, of which the younger accuses the older generation, to speak of student rights and freedoms without also speaking of the power by which rights and freedoms are secured and sustained. Those with power do not often give any of it away and, if they do, are notorious Indian-givers when the rights and freedoms of subordinates begin to run counter to their own interests and their own will. To whom should the students look as the champions of student rights and freedoms?

Three Dubious Champions

Faculties have only recently organized enough power to stake a shakey claim on their own rights and freedoms. They have seen what happened to their more rash members who actively defended the rights and freedoms of the Third World students at San Francisco State, at the University of California, and at a confrontation or so on community college campuses. Most faculty members see extension of student rights and freedoms as abridgement of their own. This is not a paranoid perception either for the gains of the students are often the losses of the faculty. Further, most proposals for giving students power are really schemes for sharing hard-won faculty powers with students. No one was particularly surprised when Wilson and Gaff found that faculty enthusiasm for student involvement in decision-making waxed in regard to social matters but waned in regard to academic matters.[11] Gross found that "involving students

in the government of the university" was second from the bottom in a list of organizational goals whose priority were ranked by thousands of college administrators and faculty members.[5] Only the most ingenuous of students are going to look to the faculty as guarantors of their rights and freedoms.

Administrators, under certain conditions, might serve as protectors of student rights and freedoms. If the administrator sees the students as an important segment of the constituency from which he derives power, e.g., Black students for a Black president, such an administrator will fight for the rights and freedoms of his constituents. If conflicts of interest between students and board and between students and faculty make the administrator the indispensible power broker, the powerful mediator as Clark Kerr saw it,[7] then again the administrator may work to keep the students strong. And, taking a less cynical view, there are administrators who genuinely believe, and practice their belief, that "the major lessons in ethics, justice, rule by law, and the democratic process can best be taught by doing and by example, not by precept. If students are to become involved in participatory democracy, they need to learn by participating in the debate on issues of real substance."[3] Even so, students had better cast a suspicious eye. In a survey in which college presidents had been asked to react to the A.A.U.P. statement on student freedoms, the thirty junior college presidents were the most repressive of the 200 college presidents used in the survey: "Half of the junior college presidents would not give students freedom to select campus speakers ('Our students aren't ready for it,' said one); more than one third would curtail the college newspaper; and one out of three would disseminate records of student political activity on request."[1] It would take discerning students to distinguish such champions as these from the enemy.

Boards of trustees are, more often than not, spokesmen for the Nixon-Agnew great silent majority (G.S.M.). As most social analysts see it, the

G.S.M. are people confused by today's complexity, frustrated by their powerlessness in returning to the "good old days," and fearful that their toehold among the "haves" will be lost and they will fall back among the "have-nots." If these social analysts are right, it is no wonder that the G.S.M. sees student rights and freedoms just as FBI Director Hoover and Attorney-General Mitchell see them; as an S.D.S. plot. The vital statistics on members of community college boards of trustees, collected by an Educational Testing Service study, do not predict that many board members are likely to be found in the junior college students' corner of the ring: 85% male, 95% Caucasian, only 12% under 40 years, 70% earning $15,000 or more, only 2% junior college graduates, and 90% merchants, managers, professionals or ranchers. More directly on target, this E.T.S. study showed that 68% of the trustees of the open door college consider higher education a privilege and not a right. It also showed them to be more conservative and more repressive of students than any college trustees other than those of fundamentalist church colleges.[6]

Talking Easier Than Acting

Without power, declarations of independence are just fancy rhetoric. Liberals who compose ringing statements of student rights and freedoms are sometimes shocked when students take them seriously and muster the power to try to transform them into reality. There has been no dearth of formal statements on student rights and freedoms. There have been the lofty pronunciamentoes of the American Association of University Professors, of the American Civil Liberties Union,[10] and the American Association of Junior Colleges' own Joint Statement on Rights and Freedoms of Students. These have been sort of hortatory "shoulds," exhoratations on how "we" should give rights and freedom to "them." Such statements spoke softly, or not at all, to the point of how students were to gain the power to hold these gifts. There have been the

declaration of rights through power, like the Students for a Democratic Society's Port Huron Statement, which have a bite to them and which the "we's" did not like very much. And there have been the declarations of war of the absurd by the Yippies and the Crazies and the Weathermen faction of the S.D.S. which the "we's" denounced as vigorously as such hardliners as San Francisco State College President S. I. Hayakawa and California's Governor Ronald Reagan.

There appear to be three basic ways by which student rights and freedoms can be gained, held and exercised. They can be a product of raw power as demonstrated by the confrontational politics of the Blacks and of the militants of the New Left. The gains of raw power, of course, have to be measured against the repressions they provoke. The second means toward the end of student rights and freedoms is the more refined, less boisterious and less dangerous one of working students into the power structure, of making them (co-opting, as seen by the revolutionaries) into Establishmentarians rather than wrecking crews of the Establishment. The third way to guarantee student rights and freedoms is to embody them in the legal corpus; to make them part of the law, to give them the protection of the courts, to use the judicial system as the means by which the power of the weak and strong are equalized.

The arguments for and against raw power have already been eloquently acted out by the student revolutionaries and the police forces of the counter-revolutionaries in one campus confrontation after the other. Nothing significant on the raw power option could be added or subtracted. The third option, that of legal recourse, deserves greater exploration and serious thought but, considering the current repressive mood of the Congress and of the state legislatures, the timing for transforming declarations of student rights and freedoms into law does not seem auspicious. Even so, an ending statement will be made on protection of student rights and freedoms under the law. The focus

now, however, will be on the second option, on models for working students into the power structure.

Sharing With The Faculty

The models of student involvement in decision-making that have appeared in the literature have, for the most part, been cautious suggestions on how the students might share the modest power of the faculty in its advisory role to the administration and to the board of trustees. They exemplify, so to speak, participatory democracy writ small. They do not address themselves to real areas of conflict between faculty and students (the students' right to learn something significant in a class, the students' right to have a voice on what is worth learning, the students' right to criticize or even get rid of ineffectual teachers, the students' freedom to learn by his own personal style and method, the students' freedom from arbitrary evaluation and from having negative test scores and other college records follow him like a police record of felonies); no, these models are based on the assumption that the legal power of the board of trustees and the delegated power of administration are almost inviolate. Therefore, they spell out ways by which the students might get the left ear, just as the faculty has captured the right ear, of those who really wield power.

One model, proposed in elaborate detail by Shoben, would mirror the bicameral structure of the Congress and most state legislatures; the faculty senate would be the upper house, the student assembly would be the lower house. Together, with joint committees for compromising conflicts, the faculty and students would formulate the laws of the campus and send them to the executive branch, the administration, for enforcement.[9] Shoben seems to overlook the fact that the board of trustees is the legal law making body for community colleges, an overriding fact which reduces this bicameral legislature into a

convoluted, rococo advisory committee. Further, the faculty will not be willing to share the newly won power and prestige of its senate with the students and the administration will not join the fun and games if the "laws" of the in-house legislature differ from the policies set down by the legally constituted board of trustees.

Richardson also proposes a faculty and a student senate but recognizes that these will be policy-recommending bodies, not law-givers, and makes clear that each will operate primarily in its respective areas of interest and competency.[8] His model calls for joint faculty-student standing committees with faculty chairing and predominating in those committees where faculty concerns have primacy and with students chairing and predominating in those committees where student concerns have primacy. Actually, this model does not differ much from what now obtains in the more liberal and progressive community colleges. Again, it is students sharing the advisory powers of the faculty.

A third model, which Deegan reports as a concept developed at the University of Minnesota, is an all-college senate with representatives from faculty and student senates elected by a formula that would insure equity between the two groups.[4] This higher unicameral body would legislate on matters that were college-wide in their ramifications and on residual matters not specifically in the purview of the faculty senate nor in the student senate. The administration would, like the Federal Executive Branch, both propose legislation and execute the "laws" passed by this all-college senate. Here again, the function of the board of trustees remains unclear.

These three models are perceived as examples of participatory democracy by Deegan, and, compared with the paternalism of traditional student government, they probably deserve to be.[4] It is this perception of students participating with faculty (encroaching on faculty power?) that makes self-fulfilling the

prophecy of the inside-dopesters that the future struggle will be between students and faculty, not students and administration, nor students and board of trustees. But where would the locus of conflict be if the model called for administration sharing power with the students?

Sharing With Administration

Consider this model: The students elect from among their members a college president, a vice president for curriculum and instruction, a vice president for student personnel, a dean of the evening division, a dean of community services and chairmen of each of the divisions in the college. The board of trustees endorses the plan that this shadow administration of students will not only be accepted as junior apprentices by the administrative officers but that student body funds may be used to pay them. They will be paid for half-time work on a student-administrators salary schedule attractive enough to entice the most able students to run for these offices. Their primary function will be to present their student point of view on every activity of the executive arm of the college. They will sit with their senior counterparts as voting members of every policy committee and the student president will sit with the college president in all deliberations of the boards of trustees. No academic division will be without a student chairman elected by the students majoring in the work of that division.

Such a model is not without historic precedent as any who have heard or read Professor W. R. Cowley recount the student powers of the early universities of France and Italy. It was seriously proposed and seriously considered at Contra Costa College in California. It is incorporated in the plans for Cluster College, the projected sister campus of Chabot for Southern Alameda District It is only bigger in scope and covering more offices than the role now played by many faculty senate presidents who have, during their tenure in office,

become the assistant president of the college.

No doubt faculties would object to this model as vigorously as would the administration for it would turn down the volume of faculty voice in the college decision-making process. The anticipated dissent really bears witness that administration "is where the action is" and if the goals are really to invigorate student government, to involve students in vital decisions, to include the students in the academic community, to assure student rights and freedoms, this would be one way, admittedly fraught with dangers, of accomplishing these goals.

Sharing With The Board

In the models thus far presented, student rights and freedoms have been secured by positing a sharing of faculty power or administration power with the students. Another model, suggested by Collins and develop fully in another paper, is based on a different perception of the community in the concept community college; a perception of community as groups contributing different kinds and amounts of in-put which in turn would call for re-defining the board of trustees on the basis of representation proportional to in-put.[2]

Different groups of people are involved to different degrees in a social agency such as a college. Tax dollars alone do not build the college nor sustain it. The in-put is a lot more than money. The in-put includes the molding and binding cement of administrative leadership. The in-put includes the collective and massive and on-going creativity of the faculty. The in-put includes the energy expended and the maniford contributions of the students, present and past, day and evening, young and old. The community is plural, not unitary.

What is needed, in a model to fit this perception, is a board of trustees based on proportional representation--proportional, that is, to the contribution and involvement of groups that really make up the several basic communities

of the community college. To err on the side of broader representation, let the model be constructed as a seven-man board.

Three of the seven seats will be reserved for the taxpayer-citizens to be chosen in a district-wide election. The fourth seat in this model would be held ex-officio by the superintendent-president who would use the authority of his knowledge and his vote to support the multi-faceted view of administration. The fifth seat on this board would be reserved for the elected representative of the faculty, probably the immediate past president of the faculty senate. The sixth board position would be held by a full-time sophomore elected by the student body from a panel of students who had been interested enough in district governance to have been dedicated board-watchers during their freshman year. Those who are shocked by this proposal should remember that if the voting age is lowered to 18 years, a distinct possibility, the students could create a voting bloc that would assure a student(s) on the board. The last seat would be filled by a graduate alumnus or an adult evening division student chosen in an election restricted to resident alumni and adult evening students. So--in this model, power would emanate from clusters or groups within the community who have intimate knowledge, who have deep involvement, and who have made significant contributions.

An analysis of the change in the power dynamics that would flow from such a board of trustees, the political viability of such a model, and the details on tenure of office and method of election will have to be read elsewhere. Suffice it to say here that if students are on the governing board, there should not be much occasion for lengthy discussions on how "we" are going to give rights and freedoms to "them."

Protection Under The Law

It may only be the conceit of educators to think that students want to

invest their time and energies in student government. In the students' view, perhaps there is not enough substance to warrant such an expenditure of effort. They may have bigger fish to fry in local, state and national politics, particularly in regard to the societal issues that threaten the extinction of their generation. Of course, they would still want, and should have, their student rights and freedoms protected while they moved from the small arena of campus politics to the wider public arena.

Rights and freedoms can be guaranteed in a way other than direct involvement in the decision-making process. All American citizens, not just congressmen or vice-presidents, are guaranteed freedom of speech. Student rights and freedoms can be written into the law, just as the rights and freedoms of American citizens are written into the Bill of Rights and other laws of the land. This would introduce a whole new element of protection; protection against board, administration, or faculty abridgments of student rights and freedoms by the judicial process, by the independent courts. Reliance upon the protection of the judicial branch would require: 1) building a power bloc of students and student sympathizers to pressure the state legislatures to pass a student bill of rights, and 2) organization and maintenance of a student union with sufficient dues to provide money for legal fees to bring errant faculty, administration and boards of trustees to the bar of justice. In today's political climate, most state legislatures would vote resounding defeat to the original Bill of Rights, so perhaps this last model to implement student rights and freedoms must wait for more suspicious times.

A Summing Up

The faculty, the administration, and the board of trustees were described as dubious champions of student rights and freedoms. Without reliable protectors within the academic community, it was concluded that students had

the options of securing their rights and freedoms by the exercise of raw power, by finding a means to participate in the decision-making process, or by seeking judicial protection through a student bill of rights and freedoms. Since confrontational politics has already been talked to death and since guarantees of students' rights and freedoms by the lawmakers seems remote in today's political climate, primary focus has been on the second option, inclusion of students in the power structure. Several models of sharing power with the faculty were described and criticized. Next, a half-time shadow administration of students was projected as a possible means of sharing power with the administration. Finally, a board of trustees based on representation proportional to in-put, was defined as an example of how students might be admitted into the very center of power.

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